

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of :

Kala Lynn Newton, R.R.T. :
(Certificate No. L00387) :
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NO. 06-I-575

CONSENT ORDER

Respondent, Kala Lynn Newton, R.R.T. ("Ms. Newton" or "Respondent") is currently licensed by the Board to practice as a respiratory therapist in the State of Louisiana, (Certificate No. L00387), pursuant to the Louisiana Respiratory Therapy Practice Act, La. Rev. Stat. §§37:3352 et seq. At all times pertinent, Ms. Newton was practicing in and around Shreveport, Louisiana. Investigation revealed that Lifecare Hospitals of Shreveport had concluded after a careful review that Ms. Newton had charted and billed for services that she did not provide and had charged patients for supplies that she did not use. On or about September 28, 2006, Ms. Newton was terminated from her position as a respiratory therapist at the Lifecare Hospitals of Shreveport on grounds of patient neglect, falsifying documentation, and fraudulent billing for equipment and services not rendered. Ms. Newton failed to disclose her termination by Lifecare on her 2007 application to renew her Louisiana license.

Ms. Newton acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and the reported information would provide the Investigating Officer herein with probable cause to pursue formal administrative

proceedings against her pursuant to La. Rev. Stat. §37:3358(A)¹ and to pursue the suspension, revocation or imposition of such other terms, conditions or restrictions on her license to practice as a respiratory therapist in the State of Louisiana as the Board may determine to be appropriate.

Recognizing her right to have administrative adjudication of the charges which have been asserted, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §49:951, *et seq.*, Ms. Newton nonetheless, hereby waives her right to formal adjudication and agrees to the terms and conditions of this Order. By her subscription hereto, Ms. Newton also acknowledges that he waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to her by law, to contest her agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein, unless the Board has breached any term and condition relied upon by Ms. Newton in this Consent Order. By her subscription hereto, Ms. Newton also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as her legal counsel assisting her in connection herewith, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures to the Board under La. Rev. Stat. §49:960. Ms. Newton expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or her legal counsel shall be without prejudice to the Investigating Officer's authority to pursue formal administrative charges against her or to the Board's capacity to adjudicate such charges, should the Board decline to accept this Consent Order. In the event the Board declines to accept this Consent Order, any waiver or other agreement that has been set forth in this proposed Consent Order shall be considered null and void, with no legal effect, and Ms. Newton shall have the right to pursue a formal administrative hearing and subsequent legal action.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3355 and La. Rev. Stat. §49:955(D);

¹La. Rev. Stat. §37:3358(A) provides that "[t]he board may refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

IT IS ORDERED the license of Kala Lynn Newton, R.R.T. to practice as a respiratory therapist in the state of Louisiana, as evidenced by Certificate No. L00387, be given an **OFFICIAL REPRIMAND** and the same is hereby placed **ON PROBATION**, for a period of three (3) years from the effective date of this Consent Order; *provided, however*, that Ms. Newton's continuing exercise of rights and privileges thereunder shall be conditioned upon her acceptance of and strict compliance with the following terms, conditions and restrictions during the period of her probation:

(1) Reports from Supervisors. Ms. Newton shall provide the Board's probation officer with information identifying her place of employment as a respiratory therapist, and identify her supervisor. Thereafter, Ms. Newton shall authorize and cause the supervisor of the respiratory care department of the facility where she is employed, or another person approved by the Board, to provide quarterly reports to the Board confirming that she is then practicing in accordance with the acceptable standards of care for respiratory therapists.

(2) Notification to Employers. Ms. Newton shall provide a copy of this Consent Order to the Director of Human Resources ("DHR") at each facility where she may be employed. In order to confirm that she has complied with this requirement, she shall cause the DHR or his designee to fax confirmation of receipt of this order to the Board's probation officer, within two weeks of the effective date of this Consent Order, or within two weeks of her beginning employment.

(3) Payment of Fine. Within 120 days of the effective date of this Consent Order, Ms. Newton shall a fine of \$250 to the Board. Ms. Newton acknowledges that the timely payment of the fine is her legal obligation and responsibility and that she understands that she shall cease practicing as a respiratory therapist in this state if the fine is not paid within 120 days as ordered.

(4) Additional Probationary Terms. In addition to such other terms and conditions as are placed upon her license to practice as a respiratory therapist by this Order, Ms. Newton hereby consents to, agrees with and acquiesces in the imposition of any additional terms, conditions or restrictions, as well as the length or nature thereof, including, but not limited to, additional treatment, reports and evaluations and extensions of her suspension and probationary periods, which the Board in its sole discretion may deem necessary or appropriate to impose thereon.

(5) Sanction. By her subscription hereto, Ms. Newton acknowledges that her receipt of written notification from the Board that it has received apparently

reliable information which indicates her failure to abide by the terms and conditions of this Order, including, but not limited to her failure to pay the aforementioned fine as ordered, shall, without need for formal hearing or providing her with any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.*, or which otherwise may be afforded to her by law, constitute her consent to the immediate suspension of her license to practice as a respiratory therapist in this state pending the issuance of a decision by the Board following administrative adjudication of such charges.

(6) Cooperation with Board's Probation and Compliance Officer. Ms. Newton shall immediately notify the Board's Probation and Compliance Officer of any change in her current home and professional addresses and telephone numbers and she shall direct all matters that may then be required by the Board pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to her compliance with the terms, conditions and restrictions of this Order.

(6) Absence from Active Practice in Louisiana—Effect on Probation. Should Ms. Newton at any time during the period of probation be absent from the state of Louisiana, or discontinue practicing as a Respiratory Therapist for a period of thirty (30) days or more, she will so advise the Board in writing. In such instance, the probationary period ordered herein and all terms and conditions thereof shall be deemed interrupted and extended and shall not commence to run until Ms. Newton notifies the Board in writing that she has resumed the practice of Respiratory Therapy in this state. In such instance, Ms. Newton shall not receive credit toward completion of the probationary period for the time during which she was absent from, or not practicing respiratory therapy in the state of Louisiana.

(7) Certification of Compliance with Probationary Terms/Personal Appearance Before the Board. At least sixty (60) days prior to the conclusion of the probationary term imposed herein, Ms. Newton shall provide the Board with an executed affidavit certifying that he has complied with each of the terms of probation imposed upon her by this Order, and he shall contact the Board and arrange for a personal appearance before the Board, or such other committee as may be designated by the Board, at its meeting preceding the expiration of the probationary term ordered herein.

(8) **Payment of Probation Monitoring Fee.** For each year of the probationary term Ms. Newton shall pay the Board an annual probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Consent Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.

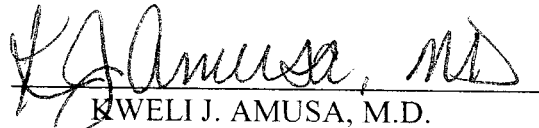
IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the restrictions set forth by this Order by Ms. Newton shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Ms. Newton's license to practice as a respiratory therapist in the state of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1360.33.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 18th day of August, 2008.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

By:


KWELI J. AMUSA, M.D.
PRESIDENT

Acknowledgment and Consent on Next Page

STATE OF Louisiana
PARISH/COUNTY OF Bossier Parish

**ACKNOWLEDGMENT
AND CONSENT**

I, KALA LYNN NEWTON R.R.T., hereby acknowledge, approve, accept and
consent to entry of the above and foregoing Order, this 24th day of July,
2008.

Kala Lynn Newton
KALA LYNN NEWTON, R.R.T.

WITNESSES:

Donna Hutto

Signature

Donna Hutto

Typed Name

Coushatta, LA

Address

Maria Hart

Signature

Maria Hart

Typed Name

4217 VonDreunen ST Bossier City LA
71112

Address

Bossier City

Sworn to and subscribed before me at 24th, Louisiana, this 24th day of
July, 2008, in the presence of the two stated witnesses.

Pamela G. Haynes #58320
Notary Public

Print name Pamela G. Haynes

Bar/Notary No.: 58320